

ASSEMBLY BILL

No. 2701

Introduced by Assembly Member Blakeslee

February 24, 2006

An act to add Section 13269.2 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2701, as introduced, Blakeslee. Water quality: waste discharge: irrigated lands.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements. Under the act, the Central Coast Regional Water Quality Control Board (regional board) implements a conditional waiver program for waste discharges from irrigated lands.

This bill would provide that a discharger is deemed to be in compliance with that conditional waiver program if the discharger is an agricultural operation that is less than 50 acres in size, submits a prescribed certification to the regional board every 7 years, and meets certain other requirements. The bill would subject the discharger to all of the requirements imposed by the conditional waiver program if the regional board determines that the discharger has failed to comply with any of the requirements specified in the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13269.2 is added to the Water Code, to
2 read:

1 13269.2. (a) For the purposes of this section, “regional
2 board” means the Central Coast Regional Water Quality Control
3 Board.

4 (b) A discharger shall be deemed to be in compliance with the
5 conditional waiver program adopted by the regional board
6 pursuant to Resolution No. R3-2004-0117 for waste discharges
7 from irrigated lands if the discharger meets all of the
8 requirements of this section.

9 (c) For the purposes of subdivision (b), the discharger shall do
10 all of the following:

11 (1) Certify every seven years to the regional board, on a form
12 approved by the regional board, that all of the following applies:

13 (A) The discharger is an agricultural operation that is less than
14 50 acres in size.

15 (B) The discharger does not discharge waste or discharges a
16 minimal amount of waste by means of a drip irrigation system, a
17 retention and evaporation system, or a catch pond, grass
18 waterway, or other appropriate management practice to reduce
19 the discharge of waste.

20 (C) The discharger has demonstrated in the applicable farm
21 water quality management plan the use of best management
22 practices relating to stormwater erosion control.

23 (2) Comply with the fee requirements of the conditional
24 waiver program referred to in subdivision (b), except that the
25 discharger is not required to pay any portion of the fees relating
26 to monitoring costs.

27 (3) Comply with the educational requirements of the
28 conditional waiver program referred to in subdivision (b).

29 (4) Submit every seven years to the regional board a farm
30 water quality management plan required in connection with the
31 conditional waiver program referred to in subdivision (b).

32 (d) If the regional board determines that the discharger has
33 failed to comply with any of the requirements set forth in
34 subdivision (c), the discharger shall be subject to all of the
35 requirements imposed by the conditional waiver program
36 referred to in subdivision (b).